



# The Existence and Consistency of Halal Certificates in the Global Ecosystem of Halal Products and Services

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## Abstract

*Halal certification is an absolute requirement for the eligibility of goods and services for Muslims, however, halal is not just a piece of paper or a halal logo, but more to the substance of the process and quality of halal guarantees. The research objective is to examine the position of the Ministry of religion in guaranteeing the halal-ness of products and services. The author uses a normative juridical research form with a statutory regulatory approach related to halal product guarantees. The author concludes that cooperation and synergy between institutions under the Ministry of Religion including the Halal Product Guarantee Agency (LPH) and MUI and the supervisory agency (BPOM) are crucial in ensuring the halal supply chain of products and services to maintain the halal ecosystem both formally and substantially. The author thinks that in regulations related to halal product guarantees, there are inconsistencies and also the occurrence of ambiguity in norms which has the potential to create legal uncertainty as stated in articles 171 and 172 of Government Regulation Number 39 of 2021 which are contradictory in content where article 171 states that Government Regulation Number 30 of 2019 can still apply as long as it does not conflict with the law on halal product guarantees, while Article 172 states that the previous PP is repealed and no longer valid.*

**Keywords:** *Global; Halal; Certificate; Substance.*

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## 1. Introduction

The Indonesian state has neglected to guarantee the halal consumption of its citizens, this can be seen from the emergence of halal-certified wine products. Halal certificates are not a matter of mere formality but must be accompanied by substance because halal is not limited to labels but fulfills Muslim spiritual elements.

The virality of a Nabiz-branded wine product with a halal certificate has sparked polemics and raised doubts about the government regarding legal certainty and legal protection for products in circulation. The problem lies with Nabiz fruit juice misusing the halal certificate - which was submitted on May 25, 2023 through a self-declare mechanism with assistance from the Halal Product Process (PPH) carried out by the PPH Facilitator - for other products that are not justified according

to sharia and law. Furthermore, the Fatwa Committee determined the halalness of the product on June 12, 2023, but on one news channel it was stated that the MUI had never been involved in this matter - as a punishment the government revoked and blocked the halal certificate Halal certificate numbered ID131110003706120523 for Nabidz Grape Juice products ([CNN Indonesia, 2023](#)). Coordination and collaboration are urgent so that polemics like this do not recur in the future, as well as limiting applications for halal certificates through self-declarations.

Mandatory submission of halal certificates since the end of the socialization period for halal guarantee regulations was passed in 2019, where the issuance of halal certificates is carried out by the Ministry of Religion through the Halal Product Assurance Organizing Agency (BPJPH) which was established on October 11, 2017, and MUI acts as an auditor and halal inspection body - All of these institutions are under the authority of the Ministry of Religion. Halal inspection agencies based on Article 4 UUJPH are required to involve stake-holders including people - Islamic religious institutions, and legal entities. And to establish the LPH, the law requires that a laboratory must be owned by the institution, and that requires a large amount of capital to establish the LPH ([Hartati, 2019](#)).

The state is obliged to provide protection and guarantees regarding the halal products that are consumed and used by the public. Assurance regarding Halal Products should be carried out by the principles of protection, fairness, legal certainty, accountability, transparency, effectiveness and efficiency, and professionalism. Business actors who have been certified halal are required to maintain their halal status and extend the validity period of the certificate ([Hartati, 2019](#)).

Business actors are also required to report. However, business actors may not sell non-halal goods but must be transparent in labeling the goods they sell. Since the promulgation of Law No. No. 33 of 2014 concerning Halal Product Assurance, this authority was transferred to the Halal Product Assurance Organizing Agency (BPJPH). Criminal sanctions for violations of Article 4, which are contained in Article 56 and Article 57 of the JPH Law, only apply to individual perpetrators. Therefore, provisions or criminal norms for Halal Product Assurance, are regulations regarding penalties due to violations of moral hazard obligations from personal or corporate legal subjects ([Hartati, 2019](#)).

Stakeholder collaboration is very important in supporting the halal ecosystem, because halal is not only the obligation of the state but the obligation of all of us ([Ari Mariyana Angriyani, 2021](#)).

The urgency of regulations that guarantee product halal-ness are urgently needed - Law Number 33 of 2014 concerning Guaranteed Halal Products (UUJPH) - to protect consumers. The halal-ness of a product is a mandatory requirement for every consumer, especially Muslim consumers. Both products are in the form of food, medicine, and other consumer goods ([Damayanti, Eva Yuliana, 2020](#)).

The purpose of halal certification for products is to provide certainty of halal status, to reassure people's minds in consuming food according to their faith to support the smoothness and stability of national development. The halal production process is guaranteed by the producer by implementing a halal assurance system. To overcome consumer fears about products that are not or not yet halal and also to provide protection and guarantees regarding the halal-ness of products that will be used by the public, Article 5 UUJPH concerning halal product guarantees by establishing an institution called the Halal Product Guarantee Organizing Agency (BPJPH) to provide certainty of halal status so that it can make consumers feel comfortable when consuming it ([Husna & Caniogo, 2022](#)).

All *Muamalah* in Islam perspective is halal unless stated otherwise in a proposition, just as in an economic system where parties are free to try and get benefits and fair distribution, whereas, in a capitalist system, it tends to be more profitable but not in the distribution of community needs - so poverty never disappears and even tends to increase. *Maqasid Sharia* is present in providing these solutions where the concept of sharia economics is *ukhuwah* (brotherhood) and *attaawun* (help each

other), socio-economic justice, and fulfillment of spiritual needs - not merely money orientated ([Hidayani, 2018](#)).

Maqasid sharia is a theory resulting from the relationship between methods and means of thought involving various fields of theory and policy as a form of Islamic reform to reach universal goals. Muslims view Islam as not only a matter of worship but also related to *muamalah*, so life-based on religious demands provides guidelines and rules of life in various aspects of life with morals based on sharia ([Hasbi et al., 2023](#)).

The largest Muslim population in the world has the consequence of having the largest market share in spending on halal products and services - especially the culinary sector - in the global halal ecosystem, predicted to be almost fifteen percent of Indonesia's total GDP growth in 2025 (Devi et al., 2023).

Based on Indonesia's demographic data, Indonesia's Muslim population numbers more than two hundred million people, to be precise, two hundred and twenty-nine million people. ([Sulistiani, 2019](#)) Previous research from Yusriana stated that halal certification has a competitive advantage in the global market so that labeling through halal certification to LPPOM MUI is more aimed at labeling and exporting goods abroad. ([Yusriana, 2023](#)) According to Siska Lis Sulistiani's research, halal products must prioritize the concepts of halal and thoyib within the framework of maqashid sharia to safeguard the benefit of the people ([Sulistiani, 2019](#)).

Research from Ibnu Salam Al-Mawarid, Siti Ngainnur Rohmah stated that after a change in authority in halal certification, the MUI's role became a BPJPH partner based on article 21 of Government Regulation (PP) No 31 of 2019 which requires effective and close synergy and collaboration for the sake of the feasibility of halal determination certification and products as well as the accreditation of halal guarantee institutions ([Al-Mawarid & Rohmah, 2023](#)).

The issue of renewing certificates without evaluation of products that have received certificates should be regulated appropriately to ensure the sustainability of the product's halal status. Of course, here we need a mechanism that is more accommodating to halal industry players while still paying attention to Sharia principles. Evaluation of products that already have halal certificates is certainly not as strict as inspection of new products.

What is even more important in achieving maqashid sharia from the regulation of halal product certification is the formation of a legal culture regarding the importance of consuming halal products for both business actors and consumers themselves. Halal product certification is an important part of the implementation of a Muslim's faith, not just a matter of material gain so that spiritual internal awareness grows in carrying out these halal products. Besides that, materially strengthening halal certification will benefit many parties on a local, regional, and global scale. The research objective is to examine the position of religious ministry in ensuring the halal-ness of products and services.

## 1. Literature Review

### Halal Certification

Mustafa E. Nasution said that halal goods and services produced must be able to provide benefits and be able to prevent harm that can meet human needs by the Shari'a. ([Raslan, 2021](#))

Halal certification according to Mastuki that halal certification is an indicator of a product and service that complies with regulations and also Islamic law. The obligation of a halal label as a mandate from Law Number 33 of 2014 concerning Guarantees for Halal Products (JPH) ([Amelia, 2023](#)).

In Maqasid Syariah in the field of economics, determining aspects of research and development of science and technology is very important in determining Indonesia's existence in global halal products and services. The concept of the benefit of the people in the halal product industry includes a balance between ukhrowi (hereafter) and worldly aspects or material and spiritual

balance and blessings. Through the prevention of all forms of harm and confusion for both humans and the environment. Halal assurance in terms of the process of production, distribution, and consumption in the halal industry focuses on life safety manifested in the form of halal certification carried out by authorized institutions in issuing halal permits for a product or service ([Sulistiani, 2019](#)).

The consumption of halal products is a form of obedience to God at his command to obtain blessings, the halalness of a product does not merely fulfill elements of formality but rather fulfills elements of issues of faith and public trust. The existence of halal labeling on products is a form of consumer and producer protection and can strengthen and enhance the product image ([Yusriana, 2023](#)).

### **Global Ecosystem of Halal Products and Services**

The Halal industry is not just a product that we can consume but rather the principle of life in the entire ecosystem from production to consumers consuming it, the Halal ecosystem is developing very fast in various sectors - Islamic finance, Halal food, modest fashion, media and recreation, Muslim friendly travel, pharmaceuticals, and cosmetics. The huge capitalization value is an opportunity for the development of the global halal ecosystem which is estimated at three trillion dollars per year in 2025 ([IsDB & HDC, 2022](#)), and will increase to four trillion dollars by the year 2028, this is based on a CAGR growth of eleven point twenty five percent in the span of the previous eight years and the largest portion was the Islamic financial sector and the second largest portion was halal food products which reached nearly two trillion dollars per year, this increase was contributed by Muslim and non-Muslim consumers. This is because of the benefits associated with cleanliness, such as liberation from humiliation, alcohol, and blood ([Halalan Quality Consultancy PLT, 2023](#)).

Every Muslim must behave by the provisions of the Qur'an and As-Sunnah, including consuming food that is by moral and ethical behavior. Product halal testing begins with checking the source of the raw material, whether the source is prohibited for consumption or is contaminated with an unlawful source ([Nurrachmi, 2018](#)).

Halal products can be manufactured to meet global quality standards. In addition, GHH can also help small and medium enterprises (MSMEs) to compete with multinational companies. By providing special age facilities based on a digital platform, MSMEs can successfully expand to foreign markets at a more efficient cost. With that, Indonesia's GHH development strategy becomes important for Indonesia to compete in the global halal market. A successful development strategy will deliver convenience for Indonesia in exploring world market opportunities to boost the economy and run its business safely and efficiently. It is hoped that with the Global Halal Hub Indonesia (GHHI), opportunities to develop and achieve competitiveness in the global market will increase ([Nurrachmi, 2018](#)).

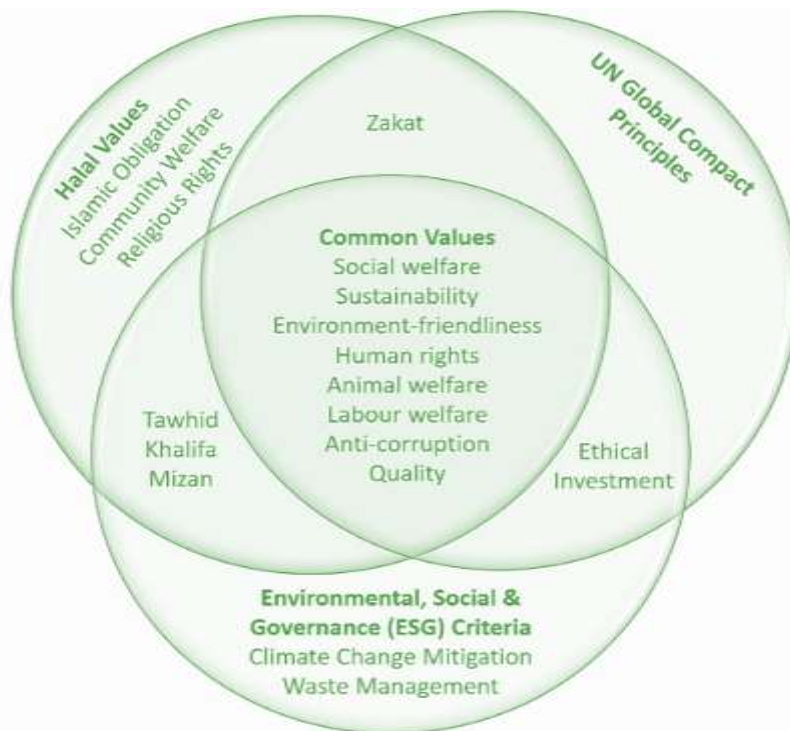
Indonesia's potential to dominate the global halal market share besides having the largest Muslim population in the world has also adopted a global halal policy. establishment of a sustainable national strategy with the hope of attracting investors through the establishment of the Global Halal Hub Indonesia which involves stakeholders - Community Empowerment Institutions, Government Executives, and the New Halal Certification Board established by the Ministry Religion. To realize this target, the Government of Indonesia has declared its existence as a global halal hub through efforts to become a reference center for halal standards, while enhancing relationships trade with various countries under the auspices of Law 44 of 2009 concerning standards lawful ([Istiqlal, 2023](#)).

Apart from that, there are many projects such as manufacturing halal processed food, halal pharmaceutical products, and halal organic food products which are quite profitable. In addition, Indonesia can also take advantage of technology to improve the marketing of Halal products and services. Coordination and synchronization between stakeholders is needed in the development of

training facilities and innovation and technology related to halal product standards, so that becoming a global Halal Hub is not something impossible ([Istiqlal, 2023](#)).

The global halal ecosystem focuses on safety and development so that the product concept is not just halal but has to be *Halalan-Toyyiban* because what is halal is not necessarily *thoyib* so it must simultaneously be fulfilled so that the products consumed by the public meet very good, pure and healthy elements. The Global Halal Ecosystem is shown in Figure 1, below ([IsDB & HDC, 2022](#)):

Figure 1  
Halal Development Corporation “Halal Ecosystem Concept and Indicators” 2021



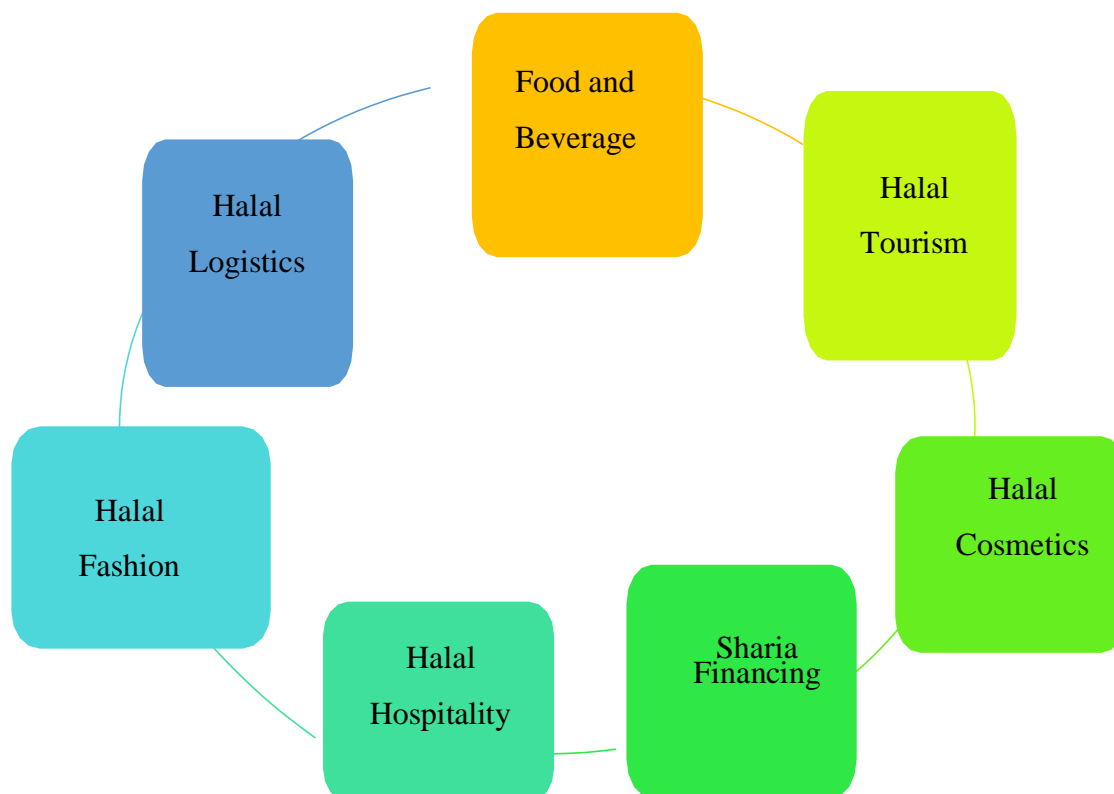
Source: ([IsDB & HDC, 2022](#))

The Indonesian halal industry is developing thanks to the help of investors in advancing the domestic halal ecosystem and in the international market. Trade relations with other countries are carried out by the Government of Indonesia to make Indonesia a reference center for halal standards to attract industries, traders, and organizations at home and abroad for investment destinations, besides that, there is a need for benchmarks with practices in other countries in the development of halal products. The abundance of natural resources, both agricultural land, and oceans, provides a source of high-quality halal raw materials in supporting halal products ([Istiqlal, 2023](#)).

Indonesia's natural resources provide comparative and competitive advantages to be able to compete in the global halal ecosystem due to efficiency and effectiveness in managing natural resources. Indonesia has a large share of the domestic market because it has a Muslim population of more than two hundred million people, as well as the existence of a comprehensive halal infrastructure including the establishment of the Halal Product Guarantee Agency (BPJPH) and regulations governing halal certification have contributed to Indonesia's success in becoming a Global Hub Halal (GHH) ([Istiqlal, 2023](#)).

The halal industry is transforming transactions that have been in effect so far, where the need for halal products and services has become a new phenomenon that has become the center of world trade in goods and services. The scope of the cycle or life cycle of the global halal industry can be seen in Figure 2 below (Krisna et al., 2023):

Figure 2  
The Scope of the Cycle of the Global Halal Industry



Source: (Krisna et al., 2023)

The role of the Government of Indonesia in supporting the development of the halal industry is through establishing a national strategic plan through creating an investment climate and facilitating collaboration between stakeholders - collaboration between interested parties between the government, the business world, the public, and academia - is an absolute requirement for success. The World Bank reports that in 2019 the trend of Indonesian halal products has increased by ninety-one percent in the last decade (Istiqlal, 2023).

## 2. Methodology

This study uses a qualitative research method in the form of normative juridical research with a statutory approach (statute approach) related to halal product guarantees and implementing regulations, as well as studying synchronization and consistency in its application (Bachtiar, 2019).

The normative method aims to review the facts - involving interdisciplinary and multidisciplinary aspects- in the field with the relevant legal basis ([Machmud, Aris, Suparji, Sardjana Orba Manullang, 2022](#)). This form of normative research can photograph people's behavior in complying with and implementing the values contained in a legal norm ([Sukino et al., 2023](#)).

The legal sources used are primary and secondary sources related to halal product guarantees. The data collection technique uses a literature study by examining references to primary and secondary legal sources. Besides that, research is to examine the effectiveness of a legal source that the author examines ([Bachtiar, 2019](#)).

### 3. Results And Discussion

The transfer of authority and responsibility to the state in ensuring its citizens get halal products and services has consequences for maintaining the national and even global halal value chain ecosystem to fulfill the roadmap for the development of the Islamic economy and the national halal industry. One of the important points of the roadmap is to make Indonesia a world halal center or destination (global halal hub). This hope is inseparable from the facts that appear where the existence of Indonesia's Muslim population reaches more than two hundred million people or thirteen percent of the global Muslim population and awareness of the world community of the need for halal goods and services which continues to point to an increasing trend and support social and cultural capital ([Khoeron, 2021](#)).

The existence of the BPPJH Institute as the only institution authorized to issue halal certification has not been able to meet the needs of the halal industrial community in fulfilling their interests. Besides that, fast business movements also require fast service with attention to the quality of the service itself. For this reason, diversification of authority is needed to issue a halal certification that can serve industrial needs. Thus the benefit of 'ammah can be fulfilled properly. MUI has been tested by its actions in carrying out halal certification. Mass organizations such as Muhammadiyah and NU can also be involved in this halal certification program.

BPPJH whose note benefit is owned by the government can be more involved in helping industry players from the lower and middle class with the assumption that they need assistance, especially financial assistance in arranging halal certification for their products.

As a comparison, in conducting accreditation of study programs in tertiary institutions, many independent accreditation institutions have now been formed, so that the accreditation process becomes faster and can reduce the burden on BAN-PT in carrying out its duties. Of course, this is very much determined by the conditions of each college and study program.

It is also hoped that the diversification of institutions authorized to carry out halal certification will foster the establishment of Halal Inspection Institutions (LPH), which until now have not been well developed. The existence of LPH is very important to accelerate the implementation of the JPH Law which requires every product to carry a Halal label.

MUI's role in encouraging the development of halal products must be strengthened, including in issuing halal certification, as well as being an institution authorized to test halal auditors and also certify Halal inspectors. Even more important is the supervision after the halal certification is issued. In the case of halal wine, it should be an important lesson that the business world needs to continue to pay attention to the implementation of halal certification so that the halal certificate does not stop at the halal label, but the public feels confident that the halal label guarantees the halalness of a product. If it only stops at the formality of the halal label, the goal of Sharia itself will not be achieved because people are not protected from a sense of security about the assets or goods they consume.

The issue of self-declaration for small industry players needs attention from a Sharia perspective. Of course, the law must provide attention and convenience for small business actors so that they can move freely, it's just that this still has to pay attention to the sharia aspect, namely the halal product itself. The protection of religion is certainly more important than the protection of property. Economic demands sometimes encourage a person to ignore matters of principle. The law-abiding culture in Indonesia itself has not shown anything encouraging, including in the food industry. The need for proper provisions in protecting the halal products issued by small business actors through assistance - assistance in fulfilling product halal requirements for MSMEs ([Sup, 2023](#)), minor in the management of halal product labeling. The change in voluntary disclosure to become mandatory in halal certification is a necessity to answer the needs of the global halal market, which is not only Muslim countries but all countries in the world so it is very relevant in developing a global halal ecosystem ([Asep Firmansyah, 2022](#)).

Obstacles and challenges for Indonesia in dominating the world's global halal market are influenced by factors of low standard and quality of halal products, especially in terms of supervision and audits in halal product certification, which consciously or not has an impact on product competitiveness, besides that the most crucial thing is weak coordination and also strong collaboration of stakeholders (legal quality -quadruple helix -not going well) ([Istiqlal, 2023](#)).

Another inhibiting factor is the lack of efficient and integrated logistics infrastructure affecting the availability and distribution of Indonesian halal products in the global market. The factors above, directly and indirectly, lead to the weak competitiveness of Indonesian products compared to halal products from other countries, so even though Indonesia has a broad market, it has not been able to become the ruler of the global halal market ([Istiqlal, 2023](#)).

The existence and consistency of a legal product issued by a regulator must meet the elements of clarity, clarity and not multiple interpretations to produce legal certainty. Nurhasan Ismail, Herowati Poesoko in Ratnaningsih stated that legal certainty is embodied in clear concepts and norms which contain descriptions of behavior that do not conflict with the hierarchical meaning of regulations and are not contradictory to both horizontal and vertical rules, inconsistencies usually arise due to a legal vacuum (*leemten in het recht/recht vaccum*), as well as the presence of conflict or ambiguity within a norm - antinomy and *vage normen* ([Ratnaningsih, 2021](#)).

Determination of whether or not a product has a halal certificate is based on the determination of an MUI fatwa after considering the results of tests and inspections from the raw material process to the results of the testing analysis, then the halal and non-halal fatwas are submitted to BPJPH by Article 76 (Regulation of the Government of the Republic of Indonesia Number 39 of 2021 concerning Implementation of the Halal Product Assurance, 2021).

However, PP No. 39 of 2021 contains ambiguity and conflicting norms in Article 170 and Article 171 where in these articles it is stated that the previous PP is still valid, while in Article 170 it is stated that all the previous regulations - PP No. 33/2014 - are repealed and no longer valid, this has the potential for legal uncertainty because it creates multiple interpretations ([Peraturan Pemerintah Republik Indonesia Nomor 39 Tahun 2021 Tentang Penyelenggaraan Bidang Jaminan Produk Halal, 2021](#)).

However, PP Number 39 of 2021 contains ambiguity and conflicting norms where in Article 170 and Article 171 where the article states that the previous PP is still valid, while in Article 170 all the regulations that previously regulated - PP Number 33/2014 - are repealed and not valid Again, this has the potential for legal uncertainty because it creates multiple interpretations. ([Peraturan Pemerintah Republik Indonesia Nomor 39 Tahun 2021 Tentang Penyelenggaraan Bidang Jaminan Produk Halal, 2021](#)).

Finally, we can conclude that the situation in the field regarding the implementation of laws and regulations found that there is synchronization and consistency in implementation because it



creates ambiguity, so there is a need to update laws related to halal product guarantees, especially related to halal certification, this is very important because ambiguity creates laws that do not have a strong binding force on society and do not have legal certainty.

The position of the Ministry of Religion in guaranteeing halal products is very vital and cannot work alone, so there needs to be a close collaboration with the MUI because basically, the MUI is the institution that has the authority to determine MUI fatwas on the halal-ness of products and services before issuing halal certificates by the Ministry of Religion through BPJPH.

#### 4. Conclusion

The position of the Ministry of religion in halal certification is very crucial and as an arranger in collaboration with related ministries and institutions, especially with the MUI where a halal product must go through an MUI fatwa, without this fatwa, the government is prohibited from issuing halal certification, because halal is not just a formality. but must substantially comply with the elements of the Sharia. The position of the Ministry of religion in the law on halal product assurance is responsible for representing the government which appoints the Halal Product Guarantee Agency (BPPJH) as the agency authorized to issue halal product guarantee certificates as mandated by law.

The author thinks that in regulations related to halal product guarantees, there are inconsistencies and also the occurrence of ambiguity in norms which has the potential to create legal uncertainty as stated in articles 170 and 171 of Government Regulation Number 39 of 2021 which are contradictory in content where article 170 states that Government Regulation Number 31 of 2019 can still apply as long as it does not conflict with the law on halal product guarantees, while Article 171 states that the previous PP is repealed and no longer valid.

#### Author contribution statement

Yusup Hidayat, supporting and collecting data  
Aris Machmud, writing and analyzing the data

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